

## REMARKS / ARGUMENTS

Claims 1-30 were originally pending in the application with claim 1 being independent. In response to the July 21, 2003 Office Action, claims 1-30 have been cancelled and new claims 31-105 are being added, in which new claims 31, 56 and 81 are independent. Applicant and Applicant's attorney have considered the Examiner's comments in the outstanding Office Action and submit that new claims 31-105 are allowable over the rejections.

### **Claim Objections**

Claim 28 is objected to because of an informality. Claim 28 has been cancelled.

### **Rejection Under 35 U.S.C. § 112**

Claim 30 has been rejected under 35 U.S.C. § 112 for allegedly being indefinite. Claim 30 has been cancelled.

### **Rejection Under 35 U.S.C. § 101**

Claim 30 is rejected under 35 U.S.C. 101 because the alleged claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd. App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966). Claim 30 has been cancelled.

### **Rejection Under 35 U.S.C. § 112**

Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention. Claim 28 has been cancelled.

**Rejection Under 35 U.S.C. § 102(b)**

Claims 1-4 and 26 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Snatschi et al. (US 5,760,911). Claims 1-4 and 26 have been cancelled.

**Rejection Under 35 U.S.C. § 103(a)**

Claims 9-14, 16-25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Santschi et al. (US 5,760,911) in view of what is commonly known in the art. Claims 9-14, 16-25, 27 and 29 have been cancelled.

**Allowable Subject Matter**

Claims 5-8 and 15 are objected to because they are dependant on rejected base claims.

Claims 5-8 and 15 have been indicated as containing allowable subject matter if the rejections to the base claim(s) set forth in this Office Action can be overcome.

New claim 31 incorporates the allowable subject matter of cancelled claim 5, while new claim 56 incorporates the allowable subject matter of cancelled claim 6 and new claim 81 incorporates the allowable subject matter of cancelled claim 15.

Conclusion

Accordingly, applicant respectfully submits that new claims 31-105 represent allowable subject matter as noted by the Examiner, and that this Application is in condition for allowance.

Respectfully submitted,

Date: October 17, 2003

*Howard B. Rockman*  
Howard B. Rockman  
Registration No. 22,190

Barnes & Thornburg  
P. O. Box 2786  
Chicago, Illinois 60690-2786  
312-214-4812 Direct Line  
312-357-1313 Telephone  
312-759-5646 Facsimile  
[hrockman@btlaw.com](mailto:hrockman@btlaw.com) Email